

MAR. 3, 2003 3:47PM HOLLAND & KNIGHT

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Law Offices

HOLLAND & KNIGHT LLP

One Atlantic Center
1201 West Peachtree Street, N.E.
Suite 2000
Atlanta, Georgia 30309-3400

404-817-8500
FAX 404-881-0470
<http://www.hklaw.com>

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TO: TC 1600 United States Patent and
BEFORE FINAL Trademark Office 703 872-9306
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FROM: Patrea L. Pabst 404-817-8473 15
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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Phillip John Burke and Richard John Knox

Serial No.: 09/445,865

Art Unit: 1642

Filed: February 11, 2000

Examiner: G. Nickol

For: "Therapeutic Systems"

ATL1 #565097 v1

PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

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|--|----|------------------------|-------------------|
| | | Application Number | 09/445,865 |
| | | Filing Date | February 11, 2000 |
| | | First-Named Inventor | Philip John Burke |
| | | Art Unit | 1642 |
| Total Number of Pages In This Submission | 14 | Examiner Name | Gary B. Nickol |
| | | Attorney Docket Number | ERD.100 |

ENCLOSURES (Check all that apply)

| | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD; Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|--------------------|---|----------------------|
| Firm or Individual | Patreo L. Pabst, Reg. No. 31,284 | Holland & Knight LLP |
| Signature | Suite 2000, One Atlantic Center, 1201 West Peachtree Street, N.E.; Atlanta, GA 30309-3400 | |
| Date | March 3, 2003 | |

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **March 3, 2003**

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| Typed or printed | Aisha Wyatt |
| Signature | <i>Aisha Wyatt</i> |
| Date | March 3, 2003 |

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ERD 100 078230/00004

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FEE TRANSMITTAL

for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See: 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$).00

Complete If Known

| | |
|----------------------|-------------------|
| Application Number | 09/445,865 |
| Filing Date | February 11, 2000 |
| First Named Inventor | Philip John Burke |
| Examiner Name | Gary B. Nickol |
| Art Unit | 1642 |
| Attorney Docket No. | ERD |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
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Holland & Knight LLP

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
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FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|-------------------|--------------|------------------------|---------------|-----------------|----------|
| 1001 750 | 2001 375 | Utility filing fee | | | |
| 1002 330 | 2002 165 | Design filing fee | | | |
| 1003 520 | 2003 260 | Plant filing fee | | | |
| 1004 750 | 2004 375 | Reissue filing fee | | | |
| 1005 160 | 2005 80 | Provisional filing fee | | | |
| SUBTOTAL (1) (\$) | | | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims below | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------------|----------------|----------|
| 9 | 40 | | 0 | X 0 | 0 |
| 1 | 41** | | 0 | X 0 | 0 |
| | | | | | |

| Large Entity | Small Entity | Fee Description |
|------------------------|--------------|---|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 84 | 2201 42 | Independent claims in excess of 3 |
| 1203 280 | 2203 140 | Multiple dependent claim, if not paid |
| 1204 84 | 2204 42 | " Reissue independent claims over original patent |
| 1205 18 | 2205 9 | " Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$ 0.00) | | |

** or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------------|---------------|--|----------|
| 1051 130 | 2051 85 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 410 | 2252 205 | Extension for reply within second month | |
| 1253 830 | 2253 465 | Extension for reply within third month | |
| 1254 1,450 | 2254 725 | Extension for reply within fourth month | |
| 1255 1,970 | 2255 995 | Extension for reply within fifth month | |
| 1401 320 | 2401 180 | Notice of Appeal | |
| 1402 320 | 2402 180 | Filing a brief in support of an appeal | |
| 1403 280 | 2403 140 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,300 | 2453 650 | Petition to revive - unintentional | |
| 1501 1,300 | 2501 650 | Utility issue fee (or reissue) | |
| 1502 470 | 2502 235 | Design issue fee | |
| 1503 630 | 2503 315 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 750 | 2809 375 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 750 | 2810 375 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 750 | 2801 375 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |
| Other fee (specify) | | | |
| Reduced by Basic Filing Fee Paid | | SUBTOTAL (3) (\$ 0.00) | |

SUBTOTAL (3) (\$ 0.00)

(Complete if applicable)

| Name (Print/Type) | Patrea L. Pabst | Registration No. (Attorney/Agent) | 31,284 | Telephone (404) 817-8473 |
|-------------------|-----------------|-----------------------------------|---------------|--------------------------|
| Signature | | Date | March 3, 2003 | |

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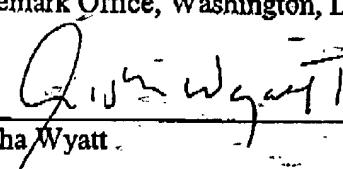
ERD:100 078290/00004

U.S.S.N. 09/445,865
Filed: February 11, 2000

AMENDMENT AND RESPONSE TO OFFICE ACTION

Certificate of Facsimile Transmission

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being facsimile transmitted on this date, March 3, 2003, to the Commissioner for Patents, U.S. Patent and Trademark Office, Washington, DC 20231.


Aisha Wyatt

Date: March 3, 2003

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071230/00004